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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/731,937
Filing Date: December 07, 2000
Appellant(s): HELLERSTEIN ET AL.

William E. Lewis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 17, 2007 appealing from the Office action mailed June 15, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,446,136	POHLMANN	09-2002
6,584,186	ARAVAMUDAN	06-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pohlmann et al., (hereinafter Pohlmann) U.S. Patent No. 6,446,136 in view of Aravamudan et al., (hereinafter Aravamudan) U.S. Patent No. 6,584,186.

3. As to claim 1, Pohlmann teaches the invention as claimed, including a computer-based method of constructing one or more correlation rules for use by an event management system for managing a network with one or more computing devices,

the method comprising the steps of: selecting one or more event patterns representing event data associated with the network of computing devices being managed by the event management system (col.2, lines 50-55, col.4, lines 60-67 and col.2, lines 13-22); automatically learning predicates of the one or more correlation rules from the one or more selected event patterns (col.col.5, lines 45-51, col.6, lines 14-19, col.5, lines 33-35); But, Pohmann does not teach adding one or more corresponding actions to the one or more automatically learned predicates to form the one or more correlation rules. However, Aravamudan teaches adding one or more actions to automatically learned predicates to from the one or more correlation rules (see col.14, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pohlmann and Aravamudan to have one or more corresponding actions to the one or more automatically learn predicates to form the one or more correlation rules because it would have allowed providers to perform automatic dynamic market testing and automatically adjusted served content based on responses from users.

4. As to claim 2, Pohlmann teaches the invention as claimed, further comprising the step of storing the one or more correlation rules in a rule database for access by the event management system (col.2, lines 50-55, col.4, lines 60-67 and col.2, lines 13-22).

5. As to claim 3, Pohlmann teaches the invention as claimed, wherein the event pattern selection step further comprises the step of a user marking the one or more event patterns in accordance with a data visualization of at least a portion of the event data (col.4, lines 27-35).

6. As to claim 4, Pohlmann teaches the invention as claimed, wherein the event pattern selection step employs a data mining algorithm (col.9, lines 1-5).

7. As to claim 5, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning step comprises the steps of: learning an initial concept ; determining if acceptance criteria are met given the event data (col.5, lines 30-39, and col.6, lines 13-19); querying historical event data for similar event patterns (col.5, lines 27-35); and allowing the user to edit the initial concept based on the historical event data query (col.13, lines 23-28).

8. As to claim 6, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning step utilizes one or more abstraction hierarchies (col.13 lines 14-20, and col.12, lines 46-50).

9. As to claim 7, Pohlmann teaches the invention as claimed, wherein the one or more abstraction hierarchies comprise a hierarchy for at least one of a host and an event type (col.4, lines 4, lines 27-45).

10. As to claim 8, Pohlmann teaches the invention as claimed, including apparatus for constructing one or more correlation rules for use by an event management system for managing a network with one or more computing devices, the apparatus comprising: at least one processor operative to: (i) permit selection of one or more event patterns representing event data associated with the network of computing devices being managed by the event management system (col.2, lines 50-55, col.4, lines 60-67 and col.2, lines 13-22); (ii) automatically learn predicates of the one or more correlation rules from the one or more selected event patterns (col.col.5, lines 45-51, col.6, lines

14-19, col.5, lines 33-35); and a memory, coupled to the at least one processor, which stores the one or more correlation rules for access by the event management system (col.2, lines 15-30, and col.2, lines 52-55). But, Pohmann does not teach adding one or more corresponding actions to the one or more automatically learned predicates to form the one or more correlation rules. However, Aravamudan teaches adding one or more actions to automatically learned predicates to from the one or more correlation rules (see col.14, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pohlmann and Aravamudan to have one or more corresponding actions to the one or more automatically learn predicates to form the one or more correlation rules because it would have allowed providers to perform automatic dynamic market testing and automatically adjusted served content based on responses from users.

11. As to claim 9, Pohlmann teaches the invention as claimed, wherein the event pattern selection operation further comprises a user marking the one or more event patterns in accordance with a data visualization of at least a portion of the event data (col.4, lines 27-35).

12. As to claim 10, Pohlmann teaches the invention as claimed, wherein the event pattern selection operation employs a data mining algorithm (col.9, lines 1-5).

13. As to claim 11, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning operation further comprises: (i) learning an initial concept; (ii) determining if acceptance criteria are met given the event data (col.5, lines 30-39, and col.6, lines 13-19); (iii) querying historical event data for similar event patterns

(col.5, lines 26-35, and col.8, lines 20-25); and (iv) allowing the user to edit the initial concept based on the historical event data query (col.13, lines 23-28).

14. As to claim 12, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning operation utilizes one or more abstraction hierarchies (col.13 lines 14-20, and col.12, lines 46-50).

15. As to claim 13, Pohlmann teaches the invention as claimed, wherein the one or more abstraction hierarchies comprise a hierarchy for at least one of a host and an event type (col.4, lines 4, lines 27-45).

16. As to claim 14, Pohmann teaches the invention as claimed, an article of manufacture for constructing one or more correlation rules for use by an event management system for managing a network with one or more computing devices, the article comprising a machine readable medium containing one or more programs which when executed implement at least one of the steps of: selecting one or more event patterns representing event data associated with the network of computing devices being managed by the event management system (col.2, lines 50-55, col.4, lines 60-67 and col.2, lines 13-22); But, Pohmann does not teach adding one or more corresponding actions to the one or more automatically learned predicates to form the one or more correlation rules. However, Aravamudan teaches adding one or more actions to automatically learned predicates to from the one or more correlation rules (see col.14, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pohlmann and Aravamudan to have one or more corresponding actions to the one or more automatically learn

predicates to form the one or more correlation rules because it would have allowed providers to perform automatic dynamic market testing and automatically adjusted served content based on responses from users.

17. As to claim 15, Pohlmann teaches the invention as claimed, further comprising the step of storing the one or more correlation rules in a rule database for access by the event management system (col.2, lines 50-55, col.4, lines 60-67 and col.2, lines 13-22).

18. As to claim 16, Pohlmann teaches the invention as claimed, wherein the event pattern selection step further comprises the step of a user marking the one or more event patterns in accordance with a data visualization of at least a portion of the event data (col.4, lines 27-35).

19. As to claim 17, Pohlmann teaches the invention as claimed, wherein the event pattern selection step employs a data mining algorithm (col.9, lines 1-5).

20. As to claim 18, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning step comprises the steps of: learning an initial concept; determining if acceptance criteria are met given the event data (col.5, lines 30-39, and col.6, lines 13-19); querying historical event data for similar event patterns (col.5, lines 27-35); and allowing the user to edit the initial concept based on the historical event data query (col.13, lines 23-28).

21. As to claim 19, Pohlmann teaches the invention as claimed, wherein the automatic predicate learning step utilizes one or more abstraction hierarchies (col.13 lines 14-20, and col.12, lines 46-50).

22. As to claim 20, Pohlmann teaches the invention as claimed, wherein the one or more abstraction hierarchies comprise a hierarchy for at least one of a host and an event type (col.4, lines 4, lines 27-45).

(10) Response to Argument

Appellant's argue that Aravamudan does not disclose "*automatically learning predicates of the correlation rules from selected event patterns".*

Examiner respectfully disagrees. Aravamudan discloses automatically learning predicates of the correlation rules from selected event patterns as shown in, clearly shown in col. 14, lines 15-35: Aravamudan clearly shows predicates of the correlation rules for selected event patterns (since Aravamudan does not mention or indicate about manually learning predicate, therefore, it is automatically learning).

Appellant's argue that the combination of Pohlmann and aravamudan fails to disclose "*adding one or more corresponding action to the automatically learned predicate to form correlation rules*".

Examiner respectfully disagrees. Examiner stated that Pohmann does not teach adding one or more corresponding actions to the one or more automatically learned predicates to form the one or more correlation rules. However, Aravamudan teaches adding one or more actions to automatically learned predicates to from the one or more correlation rules (see col.14, lines 15-35).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thanh Tammy Nguyen
/T. T. N./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

Conferees:

/William C. Vaughn, Jr./

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